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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,766	12/26/2001	Jeffrey Rodman	199-0032US	5760
29855	7590	04/03/2008	EXAMINER	
WONG, CABELLO, LUTSCH, RUTHERFORD & BRUCCULERI, L.L.P. 20333 SH 249 SUITE 600 HOUSTON, TX 77070			ENGLAND, DAVID E	
			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/032,766	RODMAN ET AL.	
	Examiner	Art Unit	
	DAVID E. ENGLAND	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 11 January 2008.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 42-65 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 42-65 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

1. Claims 42 – 65 are presented for examination.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 58 and 59 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The newly added paragraph of the Specification dated 01/11/2008 defines the machine readable medium as a program, which makes these claims non-statutory.

4. Applicant is asked to amend or cancel the claims 58 and 59 to alleviate this objection, or point to specific areas of the application that state the phrase “a machine readable medium”, or give a processor, memory or disk disclosed in the specification that is intended to perform the functions of the claim language the definition of machine readable medium so it is known what the Applicant is intending to claim as a machine readable medium. Further analysis of how to alleviate this objection may be found in the Interim Guidelines on 101 which have been entered into the MPEP.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 42 – 53 and 55 – 65 are rejected under 35 U.S.C. 102(e) as being anticipated by Liversidge et al. (2007/0192410), (hereinafter Liversidge).

7. Referencing claim 42, as closely interpreted by the Examiner, Liversidge teaches a conference endpoint comprising:

8. a CPU, (e.g., Figure 1, 3 and 4 and supporting areas of the specification);
9. a telephone line interface for coupling said conference endpoint to a telephone line, (e.g., Figure 1, 3 and 4 and supporting areas of the specification);
10. a network interface for coupling said conference endpoint to a computer network, (e.g., Figure 1, 3 and 4 and supporting areas of the specification);

11. a microphone for generating near speech signals for transmission over said telephone line, said near speech signals being representative of speech of a near conference participant, (e.g., Figure 1, 3 and 4, labeled “phone” and supporting areas of the specification);
12. a speaker for converting to sound remote speech signals received from a remote device over said telephone line, said remote speech signals being representative of speech of at least one remote conference participant, (e.g., Figure 1, 3 and 4, labeled “phone” and supporting areas of the specification);

13. a data conference initiation module, coupled to said network interface and to said telephone line interface for transmitting a data conference initiation request to a conference server over said computer network, for receiving a data conference code generated by said conference server, wherein said data conference code, when presented to said conference server by said remote device, authorizes said remote device to join said data conference, (e.g., Figure 14 & ¶100, As can clearly see in Fig. 14 shows a type of data conference code, elements 234, 236 and 238 for example. This is used when a new conference is set up and a conference team is made.),

14. and for responsively transmitting over said telephone line a data conference invitation to said remote device, said conference invitation including information representative of said data conference code, (e.g., ¶ 0073, 0186 – 0188); and

15. a memory for storing one or more files containing conference data distributed by said conference server via said computer network during a data conference, wherein said CPU is coupled to said telephone line interface, said network interface, said data conference initiation module, and said memory, (e.g., ¶ 0073, 0186 – 0188).

16. Referencing claim 43, as closely interpreted by the Examiner, Liversidge teaches said data conference initiation module transmits said conference initiation request in response to a predetermined user input, (e.g., ¶ 0073, 0186 – 0188).

17. Referencing claim 44, as closely interpreted by the Examiner, Liversidge teaches a display device coupled to said network interface for displaying said conference data, (e.g., Figure

1, 3 and 4 and supporting areas of the specification).

18. Referencing claim 45, as closely interpreted by the Examiner, Liversidge teaches said conference data comprises video information, (e.g., ¶ 0175).

19. Referencing claim 46, as closely interpreted by the Examiner, Liversidge teaches the data conference initiation module is further configured to transmit a conference join request to said conference server over said computer network responsive to a received conference invitation, (e.g., ¶ 0073, 0186 – 0188).

20. Referencing claim 49, as closely interpreted by the Examiner, Liversidge teaches said data conference initiation module is further configured for transmitting over said computer network a data conference invitation to said remote device, (e.g., ¶ 0073, 0186 – 0188).

21. Referencing claim 50, as closely interpreted by the Examiner, Liversidge teaches a method for initiating and managing a data conference from a near conference endpoint, comprising:

22. at the near conference endpoint:

23. establishing a connection over a telephone line with at least one remote conference endpoint, (e.g., ¶ 0073, 0188);

24. transmitting a data conference initiation request to a conference server over a computer network, (e.g., ¶ 0073, 0188);

25. receiving from the conference server a unique data conference code corresponding to said data conference initiation request, (e.g., ¶ 0073, 0188),
 26. wherein said data conference code, when presented to said conference server by said remote device, authorizes said remote device to join said data conference, (e.g., Figure 14 & ¶100, As can clearly see in Fig. 14 shows a type of data conference code, elements 234, 236 and 238 for example. This is used when a new conference is set up and a conference team is made.);
 27. generating an audio signal representative of said data conference code, (e.g., ¶ 0073, 0188);
 28. transmitting said audio signal to said at least one remote conference endpoint over said telephone network, (e.g., ¶ 0073, 0188); and
 29. receiving one or more files containing conference data distributed by said conference server via said computer network during said data conference, (e.g., ¶ 0073, 0188).
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30. Referencing claim 51, as closely interpreted by the Examiner, Liversidge teaches the act of generating an audio code comprises generating a string of DTMF tones, (e.g., ¶ 0073, 0188).

 31. Referencing claim 52, as closely interpreted by the Examiner, Liversidge teaches the act of transmitting a data conference initiation request is predetermined in response to a predetermined user input, (e.g., ¶ 0186 – 0188).

32. Referencing claim 55, as closely interpreted by the Examiner, Liversidge teaches said conference data is representative of a document, (e.g., ¶ 0016, 0082).

33. Referencing claim 56, as closely interpreted by the Examiner, Liversidge teaches said conference data is representative of a presentation slide, (e.g., ¶ 0016).

34. Referencing claim 57, as closely interpreted by the Examiner, Liversidge teaches the act of converting at least one of said one or more files from a first format to a second format, (e.g., ¶ 0055).

35. The teachings of claims 47, 48, 53, 58 – 65 are similar to the above claim language and therefore the teachings of claims 47, 48, 53, 58 – 65 can be found in the same cited areas of the prior art above.

Claim Rejections - 35 USC § 103

36. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

37. Claim 54 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liversidge in view of Sammon et al. (20010016038), (hereinafter Sammon).

38. As per claim 54, as closely interpreted by the Examiner, Liversidge does not specifically teach the act of distributing one or more files comprising conference data comprises transmitting a web page. Sammon teaches the act of distributing one or more files comprising conference data comprises transmitting a web page, (e.g., ¶0022). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Sammon with Liversidge because Liversidge ability to sending multimedia data and documents would give one of ordinary skill in the art the ability to send a web pages since it is known in the art that a web page can comprise text and multimedia information, see KSR, 82 USPQ2d at 1397.

Response to Arguments

39. Applicant's arguments filed 01/11/2008 have been fully considered but they are not persuasive.

40. In the Remarks, Applicant argues in substance that Liversidge does not disclose a conference code between clients A, B, C and the server, nor a near side endpoint transmits over the telephone line a data conference invitation to the remote device, where the data conference invitation includes the data conference code.

41. As to the Remark, Firstly, Applicant does not define what a near-side endpoint, which leaves one to interpret it as any or all of the devices that communicate in the network that is considered an endpoint, i.e., clients or servers. Second Applicant has not given any definition as to what the "data conference code" could be and therefore the information exchanged between

the devices when an invitation to a conference is sent, the data in that invitation can be interpreted as the “data conference code” since that information is used to set of the conference.

42. All other arguments fall under this understanding and are still taught in the new cited areas stated above regarding the amendment made.

43. Applicant is invited to contact the Examiner if they feel a live discussion about the applicant would expedite prosecution.

Conclusion

44. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID E. ENGLAND whose telephone number is (571)272-3912. The examiner can normally be reached on Mon-Thur, 7:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Flynn can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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